

Monday, 9 o'clock, a. m.
February 28th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Abbott, Bourland, Brashear, Bache, Burleson, Clark, Cuny, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins, Phillips, Wallace, Williams, Williamson and Wootten.

Quorum present.

The Journal of the preceding day was read and adopted.

Mr. Gage Chairman of the committee on counties and county boundaries, made the following reports.

The committee on Counties and County Boundaries, to whom was referred a bill to be entitled an act to amend an act supplementary to an act, to create and organize the county of Panola, with two substitutes relative to the same, have had the subject under consideration, and have instructed me to return the bill and substitutes to the Senate, and recommend the passage of the bill, which originated in, and was passed by the House of Representatives.

The committee on Counties and County Boundaries, to whom was referred a bill to be entitled an act to reduce to its constitutional size, define the boundaries and permanently locate the county seat of Houston county, have had the same under consideration, and have instructed me to return it to the Senate with the following amendments, to wit:

Strike out of the caption the word "permanently,"—and in the second section, nineteenth line, strike out from the word "day" all to the word "when," in the twenty-first line.

The committee on Counties and County Boundaries, to whom was referred a bill to be entitled an act to create the county of Williamson, (the committee presume in honor to R. M. Williamson) have had the same under consideration, and have instructed me to return it to the Senate, with the following amendment, to wit:

Strike out the fourth section, and with that amendment, recommend its passage.

The committee on Counties and County Boundaries, to whom was referred a bill to be entitled an act to define the boundary of Comal county, have had the same under consideration, and have instructed me to return the bill back to the Senate, with the following amendments, to wit:

In the first section, 5th line, strike out "N." and insert "V;" in twelfth line, after the word "degree" insert "west," and with these amendments recommend the passage of the bill.

The committee on Counties and County Boundaries, to whom was referred a bill to be entitled an act to define the boundaries of the county of Refugio, have had the same under consideration, and have instructed me to return it to the Senate and recommend its rejection.

Mr. Gage also made the following report:

The committee on Counties and County Boundaries, to whom was referred a bill to be entitled an act to create the county of Van Zandt, have had the same under consideration, and have instructed me to return the bill to the Senate, with a substitute for the same, and recommend its adoption.

Mr. Perkins, chairman of the committee on Engrossed Bills, reported the following bills and joint resolutions, correctly engrossed, viz:

A bill to be entitled an act to authorize the issuance of land patents to the assignees of sheriffs, executors, administrators and guardians.

A bill to be entitled an act to incorporate Williamson Academy.

Joint resolution for the relief of Louis Sanchez, and a

Joint resolution, auditing and acknowledging the claim of Stuart Perry against the late Republic of Texas.

Mr. Wootten, from the committee on Enrolled Bills, reported the following acts correctly enrolled, viz:

An act to amend the second section of an act for the incorpo-

ration of the town of Paris, the county seat of Lamar county, approved February 3d, 1845.

An act for the relief of Jesse H. Cartwright.

An act authorizing Charles Covington, and his associates, to establish a ferry across the river Yeague, and construct a causeway across the bottom lands thereof.

An act to organize the militia of Santa Fe, and

An act for the relief of the heirs of Patrick Reels, and that said acts have been transferred to the Governor for his approval.

Mr. Burleson introduced a bill to be entitled an act to define the boundaries of Travis county. Read first time—rule suspended—read second time, and referred to the committee on Counties and County Boundaries.

The Senate proceeded to the orders of the day.

A bill to be entitled an act to amend the several acts incorporating the city of Houston, together with the report of a select committee offering amendments, was read and report adopted.

Mr. Brashear moved to amend by inserting "prima facie," in place of "conclusive," in ninth section.

Adopted.

The bill was then ordered to be engrossed.

Mr. Wallace, by leave, introduced a bill to be entitled an act to punish officers guilty of extortion. Read first time.

The Senate refused to concur in the amendment of the House, to a resolution adopted by the Senate, relative to employing some suitable person to take charge of the capitol, &c., during the recess of the Legislature.

A bill to be entitled an act authorizing the county Court of Fort Bend county to levy an additional tax.

Read third time and passed.

A bill to be entitled an act to authorize a special tax to be collected in the county of Guadalupe.

Read third time and passed.

The President announced a communication from Thos. Wm. Ward, which,

On motion of Mr. Phillips, was read, and is as follows.

TO THE HONORABLE THE LEGISLATURE OF THE
STATE OF TEXAS.

In duplicate communications of like tenor, which the undersigned, Commissioner of the Land Office had the honor lately to submit to your honorable Houses, he took occasion respectfully, to invoke your investigations by means of a joint committee, touching certain charges, importing official malfeasance and delinquency made against him by several members of the committee on the Land office in their two reports submitted to the House of Representatives—one bearing date the 7th, and the other the 14th instant; and also requesting that the facts upon which the opinions and conclusions expressed in their said reports, were based, might be ascertained and set forth. The signers of the said two reports, were Messrs. McNeill, Goode, Fields and Reagan. Being impressed with the belief, that such a request for investigation, when made by an officer so charged, and so circumstanced, has been seldom, if ever denied,—the undersigned received the information, that his was rejected with surprise and regret. By a portion of the same committee, as will be seen by their report, under date of the 5th instant, signed by Messrs. Lyons, Bogart and Truitt, he is exculpated from the censures, and exonerated from the charges cast upon him by the others.

This condition of things, renders his situation both as an officer and as a man, extremely unpleasant and embarrassing.—*Innocent*, he is exposed to the influence of unjust conjectures;—*guilty*, he is partially shielded from the clear sentence which public opinion should be enabled to pronounce. In this State of suspense, it is impossible that justice should be dealt out to him, or that his official conduct should be properly appreciated or judged of by his fellow citizens.

He will retort no charges and pass no encomiums; but the very position towards honorable gentlemen, into which he finds himself thus forced, upon the eve of an election to the office, in which he has so long served, is certainly unfortunate, and ought to be regretted both by them and himself.

In this situation, and under all its disadvantages, the undersigned is driven to the alternative of defending himself, as well as he may in the eyes of your honorable body, against the charges referred to, or of yielding in silent submission, to the malign influences of those charges.

His official relations with every department of the Government, as well as his duty to his family and himself, alike forbid him so to yield, and impel him to defend; in pursuance of which, he will respectfully review the two reports first referred to, and repel, by suitable evidence the charges therein contained.

It is in the first place charged, *that the Commissioner of the General Land Office has drawn, and failed to account for, a balance of \$5,274,50.* A slight correction must here be insisted upon in relation to this amount, by substituting \$5100, the sum actually drawn by the Commisiener, in place of the larger amount above expressed. This sum was made up of the following items, and comprised the whole of the several appropriations for the purchase of stationery, blank patents for the 1846 and 1847, with the exception of the \$500 appropriation for stationery for the year 1846, which was never drawn by the Commissioner, but was paid out on an approved account of stationery, viz: for patents for the year 1846, \$2300, and a like sum, and \$500 for stationery for the year 1847, amounting to \$5,100. The above particulars were all before the authors of this report, and the undersigned trusts that they will not feel disposed strenuously to object to the suggested correction.

The appropriation of \$500 for books and stationery for the year 1846, were shown by proper vouchers to the committee, to have been lawfully expended and accounted for. The report contains no comment upon the subject of this appropriation. (See exhibit B.)

The appropriations for the purchase of stationery and patents for the years 1846 and 1847, amounting in the gross to \$5,100, were shown to the committee, to have been applied to their legitimate objects, so soon as they came to the hands of the Commissioner, by placing the money in the possession of regular mercantile agents, to effect, as rapidly as the course of business and transportation would admit, the designated purchases for the use of this branch of the Government. That such delays and accidents as interposed, to prevent the earlier consummation and the full returns of the proceeds of these purchases were unavoidable, and arose without the fault of the Commissioner. That notwithstanding the necessity of resorting to a foreign market for the manufacture of the requisite supply of parchment, and notwithstanding the perils of distant

transportation, yet there existed no reason to believe that one dollar of these monies had been lost to the State, or that the parchment patents would not reach the archives of the Land Office, so soon as the course of manufacture and transportation would admit. That one box containing an unknown number of patents, was on its way to Austin, by stage; and would probably arrive in a short time, and that the remainder were in progress of being manufactured and printed, and would in all probability, seasonably and from time to time come to hand. That thousands of patents had been received from time to time in lots, by successive shipments at the office, since these appropriations have been made and drawn, and as late as the evening of the 25th instant, another box of patents was received by stage.

The evidence to sustain the foregoing statement, is adduced in an exhibit to be read as a part hereof, appended and marked "exhibit A."

Touching this branch of the subject, that portion of the committee who submitted the report of the 5th instant, have been pleased therein to remark as follows:

"As to the manner in which the moneys for the purchase of blank patents, stationery, &c., have been disposed of by the Commissioner, it appeared to the committee that the Commissioner duly forwarded to New York the whole appropriation for the year 1846, for the purchase of patents, stationery, &c.; and as regards the appropriation for 1847, the Commissioner duly forwarded the same, so soon as received, to his agents abroad, to be applied to its legitimate uses. But the proceeds of the last appropriation have not as yet been fully received at the Land Office, the blank patents, stationery, &c., therewith purchased being still in the progress of transportation and delivery; since the appropriation came to the hands of the Commissioner, sufficient time for the arrival of the patents, &c., has not yet elapsed, even if the Commissioner had used the utmost diligence in this respect, which circumstances did not, in the opinion of the undersigned, require. The fact that the parchment, of which the patents are made, has to be manufactured in Europe, and imported to this country, is not generally known; still in no other manner can the Commissioner obtain the requisite supply, since the markets of neither country furnish so large an amount, except in case of a special and extraordinary demand for the article. Until

"the receipt of the remaining patents, the Commissioner cannot close his accounts and procure his vouchers, touching this appropriation; so far as he has proceeded, however, in this business, the committee are satisfied that he has discharged his duty with fidelity and commendable energy."

Such is the "showing" on the part of the undersigned which the four gentlemen charging delinquency on him in their report of the 14th instant, have alleged to be not "such a showing as is contemplated by law;" and such are the *facts* upon which they must have based the allegation that "*a balance of \$5,274. 50 had been drawn and not accounted for by the Commissioner of the General Land Office.*"

The undersigned submits then to the judgment of your Honorable body, that he has not failed in the premises properly and legally to account for the amount of the appropriations referred to. If, as his said accusers assert, "it is absolutely necessary that receipts and vouchers containing specifications of articles purchased for the use of the Government, shall be exhibited by a public officer in the settlement of his accounts with the Comptroller, subject to the inspection of and reported to the "legislature;" if in indeed this doctrine be correct, then every disbursing officer and agent is to be regarded a defaulter, and a speculator from the moment he draws money from the public treasury until he shall have consummated all the purposes for which the funds are to be applied, and shall have settled his accounts with the Comptroller, and obtained his proper voucher or discharge.

The undersigned under such circumstances, trusts that your Honorable Body will rest satisfied with the reiteration of his assurance to the committee "that he now only waits the arrival of the remainder of the patents, and the accounts current to settle with the Comptroller of Public Accounts, until which time, such settlement is absolutely impracticable; and to secure which settlement his official bond for \$50,000 ought to be satisfactory.

The signers of the report in question, have endeavored by means of a projected estimate, to show that there ought to be about 9,000 patents on hand; and thereby to cast the imputation upon the undersigned, that he has either wasted the patents or misapplied the monies appropriated for the purchase of them. His foregoing statements are as he trusts a satisfactory answer to such insinuations. Until impartial examination

and inquiry can be made into the manner in which the patents have been used and cared for in the office, the *presumption* that he is guilty in this behalf ought not and cannot arise.

The gentlemen admit that upon full examination of all the appropriations from the year 1842 to 1845 inclusive, the vouchers of the Commissioner cover the amounts he has drawn; but they avail themselves of the occasion to dissent from the decisions of the proper auditing and accounting officers, in the exercise of whose discretion and judgment, the corresponding accounts of the Commissioner were passed, and his vouchers obtained.

The undersigned trusts that it will not be insisted upon by his censors, that those officers thus failing in the conscientious discharge of their public duties, have violated their official oaths or that they were so wholly incompetent to perform their assigned functions, that their decisions in the premises are to be regarded as mere nullities. But unless such doctrine, always hitherto held to be absurd, should now for the first time be deemed reasonable, the undersigned may safely insist before your Honorable Body that the decisions of the auditing and accounting officer upon his accounts, and the corresponding vouchers in his possession submitted to the committee, on testimonials and evidence of the highest character in his favor, and repel the following charges made by the signers of this report, viz: "*That those appropriations were not economically expended, that many extravagant and unauthorized channels have been found through which the public funds have been wasted. That unreasonable amounts have been allowed as travelling expenses of agents to and from New York, ostensibly for the purchase of patents.*"

In the disbursement of the public money, the exercise of a reasonable discretion is necessarily confided to the several heads of the Departments and Bureaux of every Government. If appropriations for the purchase of patents are to be applied with literal strictness to the mere payment of the articles purchased without regard to incidental expenses, every such appropriation would be made in vain.

The Commissioner with the approval of the proper accounting officer has in the premises only exercised this legal and rightful discretion. In relation to such incidental expenses approved by him, so far as economy and regard for the public

weal is concerned, he fearlessly challenges comparison with the expenses allowed for like purposes by any and every officer of the Government. The above charges involve dishonorable imputations, official delinquency and corrupt practices on the part of several other officers whose public acts have never received reproach or been tarnished by suspicion. And the undersigned humbly conceives that the considerations ought to suffice to relieve his accusers of the "*fear*" expressed by them in their report that the journeys to and from New York ostensibly for the purchase of patents "*were merely trips of pleasure at the expense of the State.*"

The account of the Comptroller of the Treasury for expenses attending his journey to and from the city of Washington, to obtain a portion of the public money, has been before your Honorable Body, and has received its decided approval, manifested by his recent re-election to the office which he has so long filled with honor. For a copy of that account (see exhibit C,) the undersigned refers merely to show by legitimate and fair comparison that his own charge of \$442 for expenses to and from New York is not extravagant, nor justly liable to the censure cast upon it by his accusers, since it is \$41 less than that of Mr. Shaw for his journey to and from the city of Washington.

The signers of the report under review, have dwelt at considerable length upon the cases of Gen. Morehouse and Mr. Remer. As to the former, he obtained leave of absence for three weeks only, it not being then known that he would be detained by reason of the court-martial instituted for the trial of Commodore Moore at Washington, and intending to provide for his return in the event that he should not be so detained.

Shortly afterwards, Mr. Catlett, then a clerk in the Land Office, was sent to Washington, when the Treasury and other Departments of the Government were then (in 1844) kept in order to obtain the salaries due the clerks. Mr. Catlett was expressly instructed by the Commissioner not to pay Morehouse anything, nor even to let him know of his having the accounts or authority for drawing the money, unless he found him (Morehouse) returning to Austin to resume his duties as clerk. These instructions Catlett disobeyed, and did in fact pay Morehouse for his services as clerk. This is represented and commented upon by the accusing portion of the committee in their report as a wiful act of delinquency on the part of the Commissioner "a wide dereliction from the rule of right," &c. The testimony

showing the true state of the case as set forth above was before them (and is contained in the annexed exhibit D,) and whether they have with fairness or justice represented the case or the acts and conduct of the Commissioner therein, he leaves it to your honorable body to decide.

In the case of Mr. Remer, which occurred in 1846, the Commissioner would remark that, owing to the fact that the Legislature had reduced the salaries of the clerks—in consequence of which all, with the exception of two, resigned—he was compelled to procure the duties of clerks to be performed by those engaged in other avocations, paying them a like compensation with regular clerks.

Mr. Remer was applied to before the month of September that year, and came from a distance to assume the station of clerk,—it would but have been a mere act of justice for his account to have been allowed and paid for the months of September and October, (as it was in fact through accident made out,) and under such circumstances the Commissioner would have been fully justified in approving the account for \$100.—But he relies alone upon the fact fully shown to the committee, that the matter of that account originated in a mistake, which he caused to be corrected the moment that it was made known to him. The evidence on this subject is contained in exhibit E.

Again, it is objected that a book-binder has been employed, and partly paid out of the appropriation for clerks for 1846, and that for this there is no law.

In the year 1847, the office of assistant draftsman being vacant, Mr. Wm. Satler was employed by the Commissioner to perform the duties incident to this department of clerkship. In this capacity he discharged the following duties, which are of a purely clerical description, coming within the purview of the office of draftsman. Whether he be called book-binder, or clerk, or assistant draftsman, so that his occupation and labors fell within the legitimate sphere of duties properly and lawfully appertaining to the Land Office, is of little or no importance. In the said clerical capacity, he repaired and bound the original English field notes of Zavalla's, Burnet's, Vehlein's, Austin's, De Witt's and Robertson's Colonies: also, the indexes to the said field notes; canvassed maps for the draftsman; stitched, arranged and bound the maps of surveys in said colonies—they being before in loose single sheets; and repaired and bound the original Spanish titles, &c., &c. That these du-

ties appertain to the proper business of the Land Office, the Commissioner conceives no one will doubt. Then do the aforesaid censors, by merely calling this office by the *name* or *title* of *book-binder*, show that there is no law to authorize his employment, or that he was unlawfully or improperly so employed? The fact that he understood the art of *book-binding*, in no wise detracted from his capacity or ability to perform the other clerical services in which he was engaged; and is it an object of weight that he was thereby enabled to place his work in a far better, more convenient and more enduring form, without additional expense to the State, than he would otherwise have been? The Commissioner conceives that it is no more unlawful to preserve the papers and documents aforesaid in leather covers, than in folded forms or paper and envelopes. The necessity of preserving the Spanish and other titles, which he repaired and arranged, cannot well be denied. The amount of his labor, and the nature and value of his industry while thus employed, will fully appear from exhibit F, hereto appended. The Commissioner admits that he paid for a portion of his services out of the unexpended balance of the appropriation for 1846; but he conceives that in this he has in no wise misapplied the money, or departed from the true object and purposes of the appropriation; and in this the Comptroller of Public Accounts fully concurred with the undersigned, and he doubts not that your honorable body will be satisfied with the manner in which this balance was applied.

The undersigned would not be justified in passing over the objection rather strenuously urged by the gentlemen referred to against him, in relation to fees, since they have made this the special subject of a separate report. From the organization of the office, the practice of charging individuals for copies of papers, documents, titles, &c., has obtained. Much higher charges were allowed by the former Commissioner than by the present one for such services, as will appear by the rates of such fees in exhibit G. It is believed that this usage has never been deemed illegal or improper until arraigned by the authors of the report in question, who alledge that it infringes the 8th section of the land law, which provides that no person appointed to an office under that law, "shall take or receive any fee or emolument for negotiating or transacting the business of said office other than those fees allowed by law." The undersigned has yet to learn that the furnishing copies of titles, maps, &c.,

for individual use is any part of his official duty or appertain to the "*negotiating or transacting the business of his office.*" To prepare certified copies for any and all persons who, from motives of curiosity or interest, may think proper to demand them, was never contemplated by law as a portion of the duties devolved thereby upon the Commissioner or any of his clerks. Such services would be most onerous, and with the present force if gratuitously performed, would preclude the performance of any other duties. His salary then has no reference to the discharge of such exactions, nor does the enjoyment of that salary preclude him from acquiring property or earning emolument by the application of his lawful industry in any proper calling or business, not interfering with the sphere of his official duties, and it is proper, in this connection, to observe that many members of every previous Legislature have procured copies of the description referred to for which they have cheerfully paid, without even pretending or suspecting that the officer was violating the law by charging such fees, in conformity to the usage observed in the Land Office from the beginning.

Before concluding his explanations in relation to his conduct in office, the undersigned avails himself of the occasion to remark that he has just learned that it has been charged against him by his accusers, that he had been concerned in the purchase of some portion of the *public domain*, in contravention of the 8th section of the land law. The truth of this charge the undersigned unhesitatingly denies; being well aware of the transaction to which his enemies allude. This transaction he will state:—

In May, 1846, Mr. Aaron H. Bean purchased of R. M. Williamson, a certificate calling for a league and labor of land, and very soon after his purchase, caused the same to be *located* on a tract of land in Bexar county. Mr. Bean desired the undersigned in the character of a trustee to receive a conveyance from him of this *located land*, and after procuring a patent to convey one-quarter of a league thereof to his own infant daughter, another quarter to the infant daughter of his brother, and the remainder to himself. With this request the undersigned complied, and he has since fully discharged his trust by executing the deed—those to the children being in consideration of love and affection. The undersigned never had any pecuniary interest in this land; but even if he had owned such interest, it would have been lawful, inasmuch as the land was actually

separated from the public domain by the aforesaid *location* and was no longer *public land*, when such interest would, under the circumstances mentioned, have occurred.

To violate the act in question, one of the following conditions must have occurred:

First. The Commissioner must have been concerned in the purchase for his own benefit of an interest in *the public land*, in his own name.

Second. He must have been concerned in the purchase of such interest in the name of another person for his own benefit, or in other words in trust for himself. Neither of these conditions have happened. The last does not forbid his purchasing and holding *in trust for another person*, even an interest in the *public lands*. But the Commissioner has not gone to this extent. He has only received a conveyance of *private and appropriated land* in trust for others, which trust he has fully executed and discharged in the manner aforesaid, and this act, it seems, is attempted to be distorted and garbled into a crime.

Wherefore inasmuch as the late application of the undersigned for further investigation in the premises has been rejected, he now respectfully solicits that his present answer to the charges aforesaid may be spread upon the journals of your honorable body.

With due consideration of respect,

I have the honor to be,

Your very obedient servant,

THOS. WM. WARD.

EXHIBIT B.

Comptroller's Office, }
Austin, Jan'y 19, 1848. }

The appropriation for stationary for the General Land Office, for the year 1846, amounting to five hundred dollars, was drawn on the approval of the Commissioner to an account for that amount which closed the transaction with this office.

JAMES B. SHAW, Comptroller.

EXHIBIT A.

Galveston, 23d Sep't, 1846.

Thomas W. Ward, Esq.,
Comm'r Land Office :

My Dear Col.—My unfortunate management of your money matters requires from me an explanation. Not exceeding two minutes after you left our wharf for home, I unfortunately met Judge Toler. Upon my telling him what kind of an arrangement I had made for you, he remarked that he had just received a letter from his brother in New York, who stated that our Mr. Martin had not arrived, nor had he been heard from. From the date of Mr. Toler's letter, and one written by Mr. Martin to me, dated Montgomery, Alabama, made him 18 days on the southern route—when six days from that point is sufficient. It struck me at once that Mr. Martin must have been taken sick on the road. Consequently there could be no certainty when he would arrive in New York, and for fear of inconveniencing matters in your Land Office arrangements, I on the same day purchased of Mr. S. W. Tichenor, of this place, two drafts for \$1000 each, drawn at sight by Maj. Irwin, U. S. Q. Master, on Col. Hunt, Q. M. General, at New Orleans. The New York arrived some two days after, and Capt. Phillips informed me that the draft for five hundred dollars of the same description had not been paid by Col. Hunt, at sight, for the want of funds; but would assure him on his return that all demands against the government would be promptly paid. This I thought to be satisfactory. On return again of the New York, the result was no better, but promised to pay on the next trip. Losing all confidence in the promise of the U. S. Government, I purchased checks on the Canal Banking Company, for \$1000, and \$250 in gold, which was sent with directions to have as much of the former drafts shaved (provided they were not paid) as would be necessary to make your account good with Mr. Bean. The steamer New York left, and after travelling some 45 miles, foundered and was lost. The clerk of the New York has paid me \$2000, which I believe was the only dollar paid that was in charge of that ill-fated steamer.

You will herewith receive the certificate of the Postmaster of this city, of the deposit by me in that department, in *two letters*,

of \$2300, remitted to Mr. Bean for your account, in U. S. Treasury notes, cut in half, the right half in one letter, and the left half in the other. My dear Col., I hope in our future money arrangements, [should there ever be any,] that I may not be so largely the loser; but having violated our arrangement, I have no one to blame but myself, because Mr. Martin was in New York in time.

Very Respectfully, Your Ob't Serv't,
JAMES H. COCKE.

I do hereby certify that James H. Cocke has, this 22d day of April, 1846, deposited in the Post Office at Galveston, two letters containing the right and left halves of twenty-three hundred dollars U. S. Treasury notes, directed to A. Bean, Esq., New York, for account of Thomas William Ward, Commissioner of the General Land Office of the State of Texas, to be forwarded by the first mail.

R. D. JOHNSON,
P. M., Galveston.

Postage on the same, paid by J. H. Cocke, sixty cents.

New York, Nov. 13, 1846.

My Dear Col.—I am greatly delighted by the receipt of your kind favor of 17th ult. The stationery, as I have before written you, went by the first of November packet ship *Star Republic*, and could as easily have been sent months sooner. I kept 20 lbs. of the wafers, and one pound of pounce, and sent them by the steamship *Portland*, on the 11th inst., bound for Galveston, *via* New Orleans, thinking it probable that it would meet Galveston sooner than the *Star Republic*. I have written to Doswell to have them forwarded by stage—to despatch the box to Shackelford & Co., with the request that they send it along by the first stage. I suppose if I bring the bills of the stationery and patents it will be in time. I may need your assistance regarding the forms in which the bills are to be made. You will be pleased, I can assure you, with the articles and

prices. I am glad to get the pattern of the pen you so much like, which I have received in your letter of 17th inst. I will send by the first chance or bring them. I shall write you often before I start—I hope not too often. So soon as I can give you an entire satisfactory account of the patents—the whole of them—I am off for Texas. Unless I start soon, I will send your bills of the articles sent; and if the forms are not right, I can correct when I come.

Yours truly,

A. H. BEAN.

New York, Dec. 13, 1847.

My Dear Col.—I write a word to say that I have sent bill of lading to Doswell & Co, of box parchment, date 1st inst., but the vessel [Herald] did not sail till three days ago. I write to Shackelford & Co. The box is marked "Col. T. W. Ward, Austin, Texas." It contains 2000 parchments—splendid. I will write you at length in a few days, or just before I start, which I hope will be in ten days. I have been bothered to death with detentions, and am only waiting for the parchments to be finished. I will see it before I come. All well.

Very truly,

A. H. BEAN.

EXHIBIT C.

State of Texas

To JAMES B. SHAW,

Dr.

For my personal expenses from Austin to Washington City and back, on business of the State, in settling the claims against the General Government, by direction of the Governor, under the provisions of an act of the Legislature approved April 25th, 1846, and the expenses, &c. on 22 boxes of specie,

the proceeds of the claim collected, from New Orleans to Austin :

For my personal expenses from Austin to Washington City, and back, including 20 days detention at the latter place, \$483 00

Insurance on Specie in the 'Pelican' Mutual Insurance Company, at 1-2 to 0-0, as per voucher, 208 00

Comptroller's Office, }
Austin, Dec. 14, 1847. }

I certify the above and foregoing to be a correct copy of the original voucher on file in this office.

JAMES B. SHAW, Comptroller.

The above is an extract from the account of the Comptroller.

EXHIBIT D.

I, John D. McLeod, do hereby swear, that in the year 1844, whilst E. Morehouse had a leave of absence from his duties as Clerk of the General Land Office, Mr. H. G. Catlett, also a clerk in the General Land Office, obtained a leave of absence to collect the pay of the Clerks of the office, [the Treasury at that time being at Washington.] Col. Ward, the Commissioner, sent by Catlett the accounts of Morehouse, with positive instructions not to deliver his accounts to him, or to let him know they were sent down, unless Catlett should meet Gen. Morehouse on his way to Austin to resume the duties of his office, which instructions Mr. Catlett disobeyed, which at the time gave much dissatisfaction and annoyance to the Commissioner. Col. Ward expressing much dissatisfaction, soon afterwards dismissed Mr. Catlett from the office.

JOHN D. McLEOD.

No. 467.

The State of Texas, }
 County of Travis. }

Sworn and subscribed to before me, the undersigned Notary Public. In testimony whereof I have hereunto set my name and affixed my official seal, at the city of Austin, this 10th day of February, 1848.

C. MASON, Notary Public.

EXHIBIT E.

General Land Office,
 Austin, Jan. 19th, 1848.

I, Wm. A. Remer, do hereby certify, that upon the 19th day of November, 1846, I met Col. Thos. Wm. Ward at the Treasury Office, and that I drew the amount of my salary as an assistant clerk of the General Land Office, from the Treasury Department, individually; and I do further certify that Col. Thos. Wm. Ward took no action whatever in that office, in relation to my act in the receipt of the money or transaction of the same, his business there being for the purpose of collecting his own account due him, as I saw by the money paid him.

W. A. REMER.

Triplicate.

No. 188—Deposit warrant and receipt \$50 07.

The Treasurer will receive from Wm. A. Remer, clerk General Land Office, the sum of fifty dollars, in specie, it being an

amount received by him of appr. No. for the pay of clerks in the General Land Office. Receipt therefor on the back hereof, and charge the same accordingly.

JAMES B. SHAW, Comp'r.

Comptroller's Office, }
Austin, Jan., 17, 1848. }

Treasurer's Office, }
Jan'y 17th, 1848. }

Received of Wm. A. Remer the within specified sum in specie.

JAMES H. RAYMOND, Treasurer.

EXHIBIT F.

General Land Office,
Austin, Feb. 21, 1848.

The book-binder employed by the Commissioner in 1847, and 1848, was operating in the same room with me, and partly under my instructions; I am therefore enabled to make the following statements:

During the whole time for which he received pay, from the State, he worked solely for the same.

He received pay at the rate of fifty dollars per month. The time during which he was sick or absent, was not paid for. These facts are well known to me, I having made out his accounts against the State.

The book-binder appeared to be industrious during office hours, although the work done, as reviewed here below, seems little for the time of his employ; it is owing to the tedious and slow, but necessary work, of preserving as much as possible the writing in the old titles, field notes and maps, by lining the torn and worn edges and breaks with fresh paper, &c.

I further certify that the Commissioner paid to the book-

binder the sum of \$9 75, due him for the binding of books belonging to the Commissioner individually.

Review of services rendered by Wm. Sattler to the General Land Office.

Repairing and binding of the original field notes of Zavala's, Burnett's and Veihlen's Colonies—	9 vol's.
Repairing and binding of English field-notes of Austin's, De Witt's and Robertson's Colonies—	18
Repairing and binding of index to the above field notes—	2
Binding of maps of surveys in Zavala's, Veihlen's and Burnett's Colonies, which maps were all in single sheets—	7
Repairing and binding of Spanish titles—	42
Binding of reports of the board of travelling land Commissioners, and abstracts of Spanish titles—	20
Binding of statutes and other books belonging to the office—	7

Canvassing and forming into an atlas, the surveys of the Eastern Boundary of Texas, by A. B. Gray.

Canvassing of blank paper for 9 maps.—Repairing for Registers and numerous other little jobs.

The necessity of preserving the above named English field notes and maps of the different colonies is obvious, knowing that they are basis of the Spanish titles, the latter being translated from the former, and sometimes erroneously or not so descriptive, so that a reference to the originals may, in many instances, be of benefit.

Had a book-binder not been employed, it would have become the duty of the draftsman to bring the above named field notes to some order, and to bind them to the best of his ability; for, in the state they were in, an often repeated research of their contents would soon have destroyed them. The canvassing of blank paper for maps would, also, have devolved upon the draftsman; the latter is paid at the rate of \$66 66, the book-binder at \$50 00 per month; the office is allowed two draftsmen, and since the 1st of September, 1847, to 7th February last, one only was employed; therefore, without the assistance

of the book-binder, the work done by him could not possibly have been done.

ROBERT CRUEZBAR.

The State of Texas, }
County of Travis. } No. 481.

Before me, the undersigned Notary Public in and for said State and County, duly qualified, came the citizen, Robert Cruzbar, to me well known, who deposeth and saith that the foregoing statement is just and true.

In testimony whereof, I have hereunto set my hand and affixed my official seal at the city of Austin, the 23d of February, A. D. 1848.

CHAS. MASON, Notary Public.

EXHIBIT G.

Rates for Copying.

For a title from Big Book, Austin's Colony,	10 00
“ “ “ 2d, 3d, or 4th contract, if } over 4 pp. \$6; over 5 at the rate of \$1 25 per p. }	5 00
For a title in Burnet, Vehlein or Zavala's	6 00
“ “ Robertson's colony,	5 00
“ “ Milam's do.	5 00
“ “ by Smyth or Taylor,	6 00
“ “ 11 leag's \$6 pr. 4 pp.,	
“ “ in Nacogdoches the same rate, provided it shall not be less than \$5 for every title.	

All other Spanish copying to be done at the above rates.

Making plots, when required to accompany each copy at the rate of 50 cts. each, when it contains not over 6 corners, for every additional corner, 12 1-2 cents.

J. P. BORDEN.

N. B. The paper on which copies to be furnished by the party making the copy, but to be paid

for by the copyist and Commissioner General at the rate of \$2 for the former to \$1 of the latter.

Rates of Copying English.

For every field note not less than,	2 00
“ “ “ having 2 pages, with plot of the same,	3 00
“ “ “ over 2 pp, and not more than 3 with the plot,	3 50
“ “ “ over 3 pp. and not more than 4 with plot	4 00

All others to be in proportion to the above scale, provided each map shall not have more than 6 corners, but for every additional corner 12 1-2 cents.

J. P. BORDEN.

Austin, Jan. 20th, 1840.

Mr. Williamson moved that the communication be received, upon which the yeas and nays were called, and stood thus:

Yeas—Messrs. Abbott, Brashear, Bache, Clark, Cuny, Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Perkins, Phillips, Wallace, Williamson and Wooten—16.

Nays—Messrs. Bourland, Burleson, Dancy, Parker and Williams—5.

On motion of Mr. Williamson, the communication was laid upon the table, for one day, for consideration.

A bill to be entitled an act concerning the forfeiture of certain neat cattle, hogs or sheep, was read.

Mr. Gage moved to amend by striking out “hogs or sheep” wherever they occur in the bill.

Adopted.

Mr. Navarro moved to indefinitely postpone the bill, upon which the yeas and nays were called, and stood thus.

Yeas—Messrs. Bache, Dancy, Navarro, Perkins and Wallace—5.

Nays—Messrs. Abbott, Bourland, Brashear, Burleson, Clark, Cuny, Gage, Grimes, Jewett, Fitzgerald, McRae, Phillips, Williams, Williamson and Wootten—16.

The bill was then passed to a third reading.

A bill to be entitled an act to provide for deductions from the salaries of the Supreme and District Courts and District Attorneys of this State, who may neglect the performance of certain duties assigned them by law.

Read second time, and

On motion of Mr. Williamson, referred to the Committee on the Judiciary.

A bill to be entitled an act to authorize persons who have located lands through mistake, to float their claims or certificates and re-locate the same elsewhere.

Read second time and ordered to be engrossed.

A bill to be entitled an act to amend an act for the relief of master builders and mechanics of Texas, approved January 23d, 1839.

Read second time, and

On motion of Mr. Dancy, referred to the committee on Internal Improvements.

A bill to be entitled an act for the relief of Thomas J. Stell.

Read second time, and

On motion of Mr. Dancy referred to the committee on Private Land Claims.

Joint resolution to validate the election of mayor and aldermen for the city of New Braunfels.

Read second time, and

On motion of Mr. Dancy referred to the committee on Internal Improvements.

A bill to be entitled an act to require all mayors and recorders of incorporated towns and cities to call a jury in the trial of causes where the accused is subject, under the law, to fine and imprisonment, or either.

Read second time, and

On motion of Mr. Dancy, referred to the committee on the Judiciary.

A bill to be entitled an act to regulate the public printing.

Read first time.

On motion of Mr. Abbott, the motion to re-consider the vote refusing to pass to a third reading, a bill to be entitled an act to authorize Jacob F. Winfree to adopt Zachary Taylor Long,

as his lawful child, was taken up. Question on the reconsideration was taken and carried.

On motion of Mr. Williamson the bill was placed among the orders of the day.

On motion of Mr. Brashear, the Senate repaired to the Representative Hall for the purpose of going into the election of a Commissioner of the General Land Office.

IN JOINT SESSION.

Nominations for the office of Commissioner General of the Land Office being in order,

Mr. Grimes nominated Mr. Patrick.

Mr. Burleson nominated Mr. Geo. W. Smythe.

Mr. Bache nominated Mr. Tho. Wm. Ward.

The following Senators voted

For Mr. Patrick—Messrs. Grimes, Parker and Williams—3.

For Mr. Smythe—Messrs. Bourland, Burleson, Clark, Cuny, Dancy and McEae—6.

For Mr. Ward—Messrs. Abbott, Brashear, Bache, Gage, Jewett, Fitzgerald, Navarro, Perkins, Phillips, Wallace and Williamson—11.

For Mr. Sidicum—Mr. Wootten—1.

On the part of the House, Mr. Patrick received 3 votes, Mr. Smythe received 36 votes, Mr. Ward received 22 votes.

Total for Mr. Patrick, 6 votes.

Total for Mr. Smythe, 42 votes.

Total for Mr. Ward, 33 votes.

Mr. Smythe having received a majority of all the votes cast, he was declared duly and constitutionally elected Commissioner General of the Land Office by the Speaker of the House of Representatives, for the term prescribed by law.

On motion, the Senate returned to their chamber.

On motion of Mr. Burleson, the Senate adjourned.